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# Congress of the United States

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December 14, 2007

The Honorable Stephen L. Johnson  
Administrator  
U.S. Environmental Protection Agency  
1200 Pennsylvania Avenue, NW  
Washington, DC 20460

Dear Administrator Johnson:

The U.S. Environmental Protection Agency (EPA) is long overdue in acting on California's pending request for a waiver under section 209 of the Clean Air Act to allow California and other states to enforce their regulations that will reduce greenhouse gas emissions from automobiles. You have assured me, as well as the State of California and many others, that you will issue your decision on this request by the end of this year. I am writing to inquire whether you have tasked EPA's staff in the Office of Transportation and Air Quality and Office of General Counsel to draft the document or documents necessary for you to issue a decision and meet your pledge.

Action on California's request is of the highest priority to many states and a critically important step in reducing the nation's emissions of greenhouse gases. You made a commitment under oath that you would make an independent decision on California's request based on the record. An EPA decision under section 209 of the CAA requires preparation and issuance of a technical document laying out the basis for your decision. This is especially important in this instance because of the exceptional scrutiny that will be given to your decision.

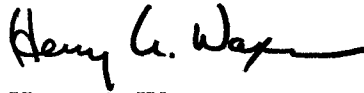
I request that you inform the Committee whether you have tasked the EPA's technical and legal staff in the Office of Transportation and Air Quality and the Office of General Counsel with preparing the appropriate decision document and any supporting technical documents. Please also provide the date on which you tasked them to prepare the document or documents. I want to be clear that I am not requesting that you provide information on the substance of your decision; at this point, I am merely requesting information to determine whether the technical and legal analysis necessary to support your decision is being prepared by the expert EPA technical and legal staff who routinely analyze waiver requests under section 209.

The Honorable Stephen L. Johnson  
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Given the limited scope of the requested information, I would like an answer no later than Tuesday, December 18, 2007.

I appreciate your immediate attention to this matter. If you have any questions concerning this request, please have your staff contact Greg Dotson or Alexandra Teitz of the Committee staff at (202) 225-4407.

Sincerely,

A handwritten signature in black ink, appearing to read "Henry A. Waxman", with a long horizontal flourish extending to the right.

Henry A. Waxman  
Chairman

cc: Tom Davis  
Ranking Minority Member